

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION**

Dated: Nainital the 19th day of November 2003

Bail application No. 1049 of 2003

Order on the bail application of accused.

CRIMINAL SIDE

Manoj
S/o Sri Bhagat Ram
R/o Gram Tingari
Patti Dhar Akriya
District Tehri Garhwal

.....Applicant.

Versus

State of Uttaranchal

..Opposite party.

Arising out of case crime No. 1/2003
U/Ss 302, 452, 504, 506, and 120-B IPC.
P.S. Patwari Circle Kothi
District – Tehri Garhwal

By the court

Hon'ble Irshad Hussain, J.

Heard Sri Vinod Sharma learned counsel for the applicant and learned A.G.A. for the State.

According to the prosecution version there was some quarrel due to illegal felling of the tree and when the spirits on both the sides were running high, the applicant-accused is alleged to have given two fist blows on the person of the victim who later on died. From the perusal of the post mortem report it appears that no internal damage was detected and viscera was preserved. The learned counsel for the applicant-accused argued that there was no pre-meditation and as per the allegations of the F.I.R. it may at the most be a case of culpable homicide not amounting to murder. Having considered these broad features of the case and unintended quarrel and alleged giving of fist blows. I am of the view that it is a fit case for bail. The bail application is allowed.

The applicant accused Manoj shall be released in crime No. 1/2003 under sections 302, 452, 504, 506 and 120-B I.P.C. P.S. Patwari Circle Kothi, District Tehri Garhwal on his executing a

personal bond and two sureties each in the like amount to the satisfaction of C.J.M. Tehri Garhwal.

(Irshad Hussain, J.)

Dated: 19.11.2003
ISB